



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,301	05/29/2001	Robert H. Scheer	31083.05US4	6151
34018	7590	09/08/2005	EXAMINER	
GREENBERG TRAURIG, LLP			JASMIN, LYNDA C	
77 WEST WACKER DRIVE			ART UNIT	PAPER NUMBER
SUITE 2500			3627	
CHICAGO, IL 60601-1732			DATE MAILED: 09/08/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/867,301	SCHEER, ROBERT H.	
	Examiner	Art Unit	
	Lynda Jasmin	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10 June 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,4-18 and 20-45 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,4-18 and 20-45 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

1. Amendment received June 10, 2005 has been acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 4-17, 18, 20-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roddy et al. (2003/0055666 A1), in view of Spira et al. (2003/0172002).

Roddy et al. discloses a method embodied in a computer readable media for moving one or more physical items (via mobile assets such as locomotive) in a supply chain that is distributed over a plurality of geographic locations (via global information

network) with the steps of: extracting information from a customer maintenance system (via centralized database 39) indicative of a change in a scheduled maintenance work order to create an advance demand notice that includes a specification of one or more physical items excepted to be used during a repair procedure (via developing service recommendation, and communicating the service recommendation via a global information network; see paragraph [0037]).

Roddy further discloses extracting from the customer system information pertaining to a completion of the repair procedure (paragraph [0077]), and using the information to populate the equipment knowledge base for use in future probability of need calculations (paragraph [0078]).

Although Roddy et al. discloses having prognostics tools or predictive diagnostics or simply diagnostics tools to move each of the one or more physical items specified in the advance demand notice to a respective at least one of the plurality geographical locations within the supply chain as a function of a probability of need for each of the one or more physical items (see paragraph [002400]). However, Roddy et al. fails to explicitly disclose using a network of intelligent software agents.

Spira discloses the concept of providing maintenance for supply chain where a knowledge base or experience database of data and people is utilized. This knowledge base forms a plant maintenance repository of historical data that is consulted for predictions of plant events, system and component failure modes and events.

Spira further discloses coordinating with a carriers such as an outsource company contracts with the plant to provide all maintenance services on the equipment

bought by the plant. Using the intelligent software agents to form a fulfillment plan (via maintenance services), monitoring the movement of the physical items within the supply chain (via condition monitoring system), and forming alternative fulfillment plan (see paragraph [0139]). Further, ordering product from a supplier to initiate the moving of items within the supply chain (via maintenance work order), and using a customer defined level of service to move the items specified in the advance demand notice (via different technical services), and using the current and developing states of inventory within the supply chain to move the items specified in the advance demand notice within the supply chain and taking into account a desired level of safety stock (via inventory management service).

From this teaching of Spira it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the maintenance manage system of Roddy to include the knowledge base expert system taught by Spira for predictive maintenance.

Roddy et al. further discloses modifying an existing advance demand notice (via updated database 39 if the designer of the mobile asset provides any revised design parameters, such as a new part number for an upgraded component). Further, using an equipment knowledge base (via prognostics tools) to determine the probability of need, and coordinating with a carrier via a computer network to move each of the one or more physical items within the supply chain (paragraph [0030]).

Response to Arguments

5. Applicant's arguments with respect to claims 1, 4-18, and 20-45 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lynda Jasmin
Primary Examiner
Art Unit 3627